

Atty Dkt. No.: RFDL002
USSN: 09/645,071

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1, 3-4, 6 and 8-10, the only claims pending and currently under examination in this application.

In the above amendments, Claim 1 has been amended to incorporate the limitation of Claim 5, and Claim 5 has been correspondingly canceled. In addition, Claims 1 and 6 have been amended to limit the disease condition to CFS-this amendment finding support in Claims 2 and 7, and Claims 2 and 7 have been correspondingly canceled. As the above amendments introduce no new matter, their entry by the Examiner is respectfully requested.

The undersigned thanks the Examiner for the helpful interview held on November 6, 2003. During the interview, the above amendments were discussed. The Examiner indicated that, following entry of the above amendments, the rejections would be withdrawn and that case would be in form for allowance.

Claims 1 to 10 have been rejected under 35 U.S.C. § 112, first paragraph for asserted lack of enablement for the broad term "chronic immune disease." In view of the above amendment to Claims 1 to 10 limited the disease to CFS, this rejection may be withdrawn.

Finally, Claims 1 to 4 have been rejected under 35 U.S.C. § 102(e) over 5,985,565. In view of the amendment to Claim 1 incorporating the limitation of Claim 5, this rejection may be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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Date: November 10, 2003

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